

FILED

SEP 25 2014

**New Jersey State Board of
Massage and Bodywork
Therapy Examiners**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

IN THE MATTER OF THE
APPLICATION OF

SHU ZHEN LIU

TO PRACTICE MASSAGE AND
BODYWORK THERAPY IN THE
STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER OF
DENIAL OF LICENSURE

This matter was opened to the New Jersey State Board of Massage and Bodywork Therapy ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Shu Zhen Liu submitted an application for licensure by the Board in or about April of 2013.
2. On Ms. Liu's application, she indicated she had never been charged with or convicted of any crime or offense, and certified as to the truth of the information she provided.
3. Ms. Liu underwent a Criminal History Background Check, the results of which indicated that she had been arrested on November 8, 2011 in New York and charged with unauthorized practice of a profession. She was convicted of disorderly

conduct upon a plea of guilty, and conditionally discharged. Further, on November 11, 2011 the applicant was charged with aiding and abetting the unauthorized practice of a profession by three or more people. This also resulted in a guilty plea to disorderly conduct, and the conviction was conditionally discharged.

4. According to a statement submitted on Ms. Liu's behalf by an individual named Ronald A. Fusco, Ms. Liu had opened a "massage spa" in New York which was closed down by the local police because she had not investigated the requirements for opening a spa, and did not obtain a license for the spa she opened.

5. The statement also suggested that Ms. Liu relied upon Mr. Fusco to help her complete her application, and that there was a language barrier that may have interfered with Mr. Fusco's understanding of the incidents that led to the 2011 charges against her, but that Ms. Liu did not intentionally withhold information from him.

6. The Board filed a Provisional Order of Denial of Licensure on October 28, 2013, provisionally denying Ms. Liu's application based upon her having entered guilty pleas to offenses that related adversely to the practice of massage and bodywork therapy, however the Provisional Order cited the violation of N.J.S.A. 45:1-21(b), and neglected to specifically cite the violation of N.J.S.A. 45:1-21(f) in the Conclusions of Law.

CONCLUSIONS OF LAW

1. Ms. Liu's indication on her application that she had never been charged with any crime or offense, when in fact she had been twice charged with offenses that related adversely to the practice of massage and bodywork therapy, and entered guilty

pleas in connection with both those charges, constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

2. Ms. Liu's entry of a guilty plea with respect to the unlicensed practice of massage and bodywork therapy, and with respect to aiding and abetting unlicensed practice, constitute a violation of N.J.S.A. 45:1-21(f), as those charges relate adversely to the practice of massage and bodywork therapy.

Based on the foregoing findings and conclusions, an Amended Provisional Order of Discipline was entered on June 2, 2014, provisionally denying Ms. Liu's application for licensure for a period of three years. A copy of the Order was served upon Ms. Liu by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Liu responded to the Provisional Order through her spokesperson, Ronald Fusco, claiming that her previous conduct in New York was based on a lack a knowledge, rather than an attempt to deceive. The Board considered her submission, but found that whatever her intent was, it was a fact that she not only entered into business in New York without familiarizing herself with the requirements for doing so, which resulted in her arrest; but she then proceeded to fill out the application for licensure in New Jersey without making sure that the information she provided was accurate. However, the Board further

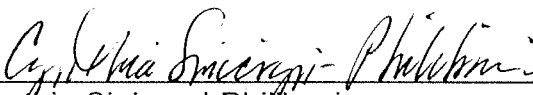
determined that to deny her application and bar her from applying again for three years was somewhat harsh, in light of the conduct at issue, and decided that the bar should be lowered from three years to two years.

... ACCORDINGLY, IT IS on this 25th day of September, 2014,
ORDERED that:

1. Ms. Liu's application for licensure as a massage and bodywork therapist in the State of New Jersey is hereby denied based upon the violation of N.J.S.A. 45:1-21(b) and N.J.S.A. 45:1-21(f). No subsequent application will be entertained by the Board for a minimum period of two years, dating from the entry of this Final Order of Denial of Licensure.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By:


Cynthia Sinicropi-Philbosian
Board Chairperson